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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Right to development*

Report of the Secretary-General and the United Nations High Commissioner for Human Rights

Summary

The present report contains an overview of the activities of the Office of the United Nations High Commissioner for Human Rights relating to the promotion and realization of the right to development. It covers the period from May 2015 to June 2016 and complements the report of the Secretary-General and the High Commissioner on the right to development submitted to the Human Rights Council at its thirtieth session (A/HRC/30/22).

* The annexes are being circulated as received in the language of submission only.

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I. Introduction

1. In its resolution 48/141 establishing the post of United Nations High Commissioner for Human Rights, the General Assembly decided that the High Commissioner would, inter alia, promote and protect the realization of the right to development and enhance support from relevant bodies of the United Nations system for this purpose. The Assembly also decided that the High Commissioner would recognize the importance of promoting a balanced and sustainable development for all people and of ensuring the realization of the right to development, as established in the United Nations Declaration on the Right to Development.

2. The Human Rights Council, in its resolution 30/28, requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to continue to submit to the Council an annual report on its activities, including on inter-agency coordination within the United Nations system, relating to the promotion and the realization of the right to development.

3. In its resolution 70/155, the General Assembly reaffirmed the request to the High Commissioner, in mainstreaming the right to development, to effectively undertake activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions and to reflect those activities in detail in his next report to the Human Rights Council.

4. In the same resolution, the General Assembly requested the Secretary-General to submit a report to the Assembly at its seventy-first session and an interim report to the Human Rights Council on the implementation of the resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development.

5. The present report is submitted in accordance with the above requests and provides information on the activities undertaken by OHCHR and the United Nations human rights mechanisms between May 2015 and June 2016.

II. Activities of the Office of the United Nations High Commissioner for Human Rights

6. In implementing its mandate to promote and protect the realization of the right to development, OHCHR is guided by the Declaration on the Right to Development, the Vienna Declaration and Programme of Action, relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council and agreed conclusions and recommendations of the Working Group on the Right to Development.

7. The OHCHR operational programme for the realization of the right to development is contained in the Secretary-General's strategic framework for the period 2016-2017 and the OHCHR management plan for the period 2014-2017.

See A/69/6/Rev.1, pp. 465-466, OHCHR Management Plan 2014-2017: Working for your rights, pp. 63-71, and A/HRC/27/27, paras. 6-13.

A. Support to the Working Group on the Right to Development

8. OHCHR provided support to the Working Group on the Right to Development for the organization of its resumed sixteenth annual session,[3] held from 1 to 4 September 2015, and its seventeenth annual session,[4] held from 25 April to 3 May 2016. OHCHR also supported the Chair-Rapporteur during the intersessional period, in holding informal consultations and presenting the report of the Working Group to the Human Rights Council and the General Assembly.

9. At its sixteenth session, the Working Group considered a draft framework to improve the effectiveness and efficiency of the Working Group, prepared by the former Chair-Rapporteur.[5] At its seventeenth session, it considered standards for the implementation of the right to development, prepared by the Chair-Rapporteur.[6] The Working Group also completed the second reading of the draft right to development criteria and operational subcriteria.[7]

10. The Working Group held an interactive dialogue on the 2030 Agenda for Sustainable Development with the former co-facilitators of the intergovernmental negotiations on the post-2015 development agenda, the Permanent Representative of Ireland to the United Nations and the Permanent Representative of Kenya to the United Nations.[8]

B. Activities relating to the promotion and realization of the right to development

11. During the period under review, OHCHR conducted numerous activities, many of which were devoted to marking the thirtieth anniversary of the Declaration on the Right to Development. Examples of these activities are summarized below.[9] In addition, OHCHR paid due attention to the right to development in the context of its support to human rights mechanisms.

12. In Colombia, OHCHR advocated for the incorporation of a human rights-based approach to the national development plan as a means of achieving the right to development and peace. Special attention was paid to devising indicators for measuring the realization of economic, social and cultural rights. OHCHR also worked to promote and protect the right to development of indigenous peoples and Afro-Colombians and supported the creation of a network of 14 indigenous peoples to claim their collective rights.

13. In Uganda, OHCHR focused on building institutional capacities to promote and protect the right to development. It provided technical assistance to the Government on integrating a human rights-based approach to programming in the national development plan, including by integrating human rights indicators in its monitoring and evaluation framework. OHCHR strengthened the capacity of non-governmental organizations to effectively participate in the development process and to monitor the implementation of the plan and supported the launch of a network of public interest litigators, with a focus on

[3] See A/HRC/30/71.
[4] See A/HRC/33/45.
[5] A/HRC/WG.2/16/2.
[6] A/HRC/WG.2/17/2.
[7] A/HRC/15/WG.2/TF/2/Add.2.
[8] See A/HRC/33/45.
[9] More information on these and other activities is available at www.ohchr.org/EN/Issues/Development/Pages/DevelopmentIndex.aspx.

economic, social and cultural rights. In parallel, OHCHR conducted training sessions for judges of the Supreme Court, the Court of Appeal and the Constitutional Court on adjudicating violations of economic, social and cultural rights. Finally, the OHCHR office in Uganda supported a consortium of civil society organizations and legal networks, which organized the second National Conference on Economic, Social and Cultural Rights on the theme "Tackling social exclusion in access to socioeconomic goods and services for sustainable development".

14. In South America, OHCHR supported the implementation of the Sustainable Development Goals from a human rights-based perspective and focused on the dissemination of OHCHR key messages on human rights in the 2030 Agenda for Sustainable Development, training and capacity-building. In Africa, OHCHR continued to work on a human rights impact assessment of the Continental Free Trade Area agreement in collaboration with the Economic Commission for Africa through a scoping study.[9] Several risks were identified in relation to the negotiation of the agreement and preliminary recommendations were made with regard to food security, employment and freedom of movement. The assessment provides the negotiating countries with an evidence base and policy recommendations from which to develop an effective and cohesive trade policy that is aligned with human rights and development commitments and priorities.

15. At the global level, OHCHR advocated integrating the right to development into the financing for development, climate change and sustainable development processes, provided technical advice in the areas of trade and investment, intellectual property and access to medicines and supported special procedure mandate holders in these areas.

16. OHCHR also prepared a think piece on responsible contracting and harnessing human rights to transform investment[10] for the E15 initiative on strengthening the global trade and investment system for sustainable development, which was coordinated by the World Economic Forum and the International Centre for Trade and Sustainable Development. The paper was aimed at infusing ethical and normative considerations into State-investor contracts and incorporating human rights into these contracts. In addition, OHCHR published the report "Principles for responsible contracts: integrating the management of human rights risks into State-investor contract negotiations — Guidance for negotiators",[11] carried out research and issued a report and a companion document setting out guidance to improve corporate accountability and access to judicial remedies for victims of business-related human rights abuse.[12]

17. OHCHR prepared the annual report of the Secretary-General to the General Assembly on globalization and its impact on the full enjoyment of all human rights.[13] In the report, common concerns were identified and recommendations were made on how to address the negative impact of globalization on the full enjoyment of human rights. OHCHR published an illustrated report on access to medicines in the context of the right to health[14] that outlines the main conclusions and recommendations of the 2015 Social Forum

[9] See "Designing the Continental Free Trade Area (CFTA): an African human rights perspective" (May 2012), available at www.fes-globalization.org/geneva/documents/2016/2016_05_HRIA%20of%20the%20CFTA_Publication.pdf.

[10] Available at www.ohchr.org/Documents/Issues/Globalization/E15-Investment-OHCHR.pdf.

[11] See A/HRC/17/31/Add.3; also available at www.ohchr.org/Documents/Publications/PrinciplesResponsibleContracts_HR_PUB_15_1_EN.pdf.

[12] See A/HRC/32/19 and Add.1.

[13] A/70/154.

[14] Available at www.ohchr.org/Documents/Issues/SForum/SForum2015/OHCHR_2015-Access_medicines_EN_WEB.pdf.

of the Human Rights Council on the same topic. OHCHR finalized a publication on human rights and budgets, which will become available during the course of 2016.

18. To mark the thirtieth anniversary of the Declaration on the Right to Development, OHCHR published a fact sheet entitled "Frequently asked questions on the right to development" and produced a short video entitled "The right to development — development is a human right".[15] OHCHR also published the booklet "International Decade for People of African Descent, 2015-2024: recognition – justice – development", which contains a chapter on the right to development and measures against poverty.[16]

19. In May 2015, OHCHR co-organized with the Prince Claus Chair, the International Institute of Social Studies (Erasmus University, Rotterdam) and The Hague Institute for Global Justice a high-level round table on the theme "Thinking ahead: the right to development approaching 30". The objective of the round table was to consider the continued relevance of the right to development and how it could be revitalized and implemented so as to equitably meet the developmental and environmental needs of present and future generations. During the discussion, OHCHR underscored the continued relevance of the right to development, in particular as a framework for achieving sustainable development.[17]

20. In September 2015, the Office organized the first Human Rights Council biennial panel discussion on unilateral coercive measures and human rights. The objective of the discussion was to increase awareness of the negative impact that unilateral coercive measures can have on the enjoyment of human rights in targeted and non-targeted countries.[18]

21. During the March 2016 session of the Human Rights Council, OHCHR organized a panel discussion on human rights mainstreaming, focusing on the 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development. The United Nations High Commissioner for Human Rights underscored that the right to development provided an enabling environment to ensure that the goals of the 2030 Agenda would be achieved in practice, and that processes of development were inclusive and just. Referring to further convergences between the 2030 Agenda and the Declaration, the High Commissioner noted that the Declaration addressed the structural impediments that disadvantaged the poor and prevented development from benefiting all.[19]

22. OHCHR also organized, together with the University for Peace and the Forum of Catholic-inspired Non-governmental Organizations, a side-event entitled "In search of dignity and sustainable development for all". The objective of the event was to consider how operationalizing the right to development could create an environment conducive to the realization of the 2030 Agenda and how the 2030 Agenda could support the realization of the right to development. Participants also discussed the means to integrate, claim and build capacity on the right to development among local communities, and research and educational programmes.[20]

[15] Available at www.ohchr.org/Documents/Publications/FSheet37_RtD_EN.pdf and www.youtube.com/watch?v=pdKfypB1tdI#t=16, respectively.

[16] Available at www.un.org/en/events/africandescentdecade/pdf/African%20Descent%20Booklet_WEB_English.pdf.

[17] See www.ohchr.org/Documents/Issues/Development/PrinceClausReport27May2015.pdf.

[18] See A/HRC/31/82.

[19] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17109&LangID=E.

[20] See www.ohchr.org/EN/Issues/Development/Pages/SearchOfDignity.aspx.

23. The Deputy High Commissioner for Human Rights delivered remarks at the African Group side event on the right to development. She highlighted the importance of the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the Paris Agreement on climate change for the realization of the right to development. She also underlined the need to combat inequality within and among countries so as to leave no one behind, starting first, wherever possible, with those furthest behind. She stated that persistent poverty and deepening inequalities were major threats to human rights and development, and thus directly to peace and security.[21]

24. OHCHR supported the intergovernmental processes leading to the adoption of the Addis Ababa Action Agenda on financing for development, the 2030 Agenda, including the Sustainable Development Goals and the Paris Agreement on climate change. OHCHR published the advocacy tool "Key messages on human rights and financing for development" (see annex I). The High Commissioner sent an open letter on human rights in the financing for development agenda[22] to States calling upon them to take specific measures to ensure an inclusive and participatory financing for development agenda that would benefit the most vulnerable, hold all parties and stakeholders accountable, and fulfil the human rights commitments to work together towards a better world.

25. OHCHR also organized a side event and delivered a statement on behalf of the High Commissioner to the plenary session of the Third International Conference on Financing for Development. In the statement, the High Commissioner underscored that financing for development must satisfy the demands of all persons to have their most basic needs met in a world that did not lack the means, but had failed to demonstrate the will, to make human rights a reality for all. He called upon States to ensure that their efforts to finance the 2030 Agenda for Sustainable Development reflected the needs and demands of people, that they fully integrated relevant human rights commitments and encapsulated the imperative of human rights-based policy coherence.[23]

26. As a result of advocacy by OHCHR and others, the Addis Ababa Action Agenda contains numerous human rights considerations such as the Guiding Principles on Business and Human Rights, reporting on environmental, social and governance impacts and the need for environmental and social safeguards in the context of activities by businesses and development banks. Members States agreed to promote financial inclusion, reduce inequalities, seek to eradicate extreme poverty, ensure gender equality and provide social protection and essential public services for all, with a focus on those furthest below the poverty line. Civil society organizations increasingly adopted a rights-based analysis to financing for development.

27. OHCHR advocated for the centrality of all human rights, including the right to development, in the 2030 Agenda for Sustainable Development, and called for more equitable development, including at the global level. OHCHR has consistently emphasized that the 2030 Agenda is explicitly guided by the purposes and principles of the Charter of the United Nations, including full respect for international law, grounded in the Universal Declaration of Human Rights, international human rights treaties and informed by other instruments, including the Declaration on the Right to Development.[24] OHCHR played an active role in the development of the Sustainable Development Goal indicators and

[21] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17126&LangID=E.

[22] See letter at www.ohchr.org/Documents/Issues/MDGs/Post2015/20150617_HC_open_letter_HR_FFD.pdf.

[23] See statement at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16246.

[24] See General Assembly resolution 70/1, para. 10.

advocated for data disaggregation in line with the recognized grounds of discrimination, to capture progress in combatting inequalities, inequities and discrimination. OHCHR published the guidance note to data collection and disaggregation entitled "A human rights-based approach to data: leaving no one behind in the 2030 Agenda".[25]

28. OHCHR organized the signing ceremony for the Geneva Pledge for Human Rights in Climate Action, which was hosted by the Permanent Mission of Costa Rica to the United Nations Office and other international organizations in Geneva. The pledge calls for meaningful collaboration among national representatives in the human rights and climate change processes to inform climate action. OHCHR engaged in the negotiations of the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Paris in December 2015. OHCHR advocated the most ambitious climate mitigation target possible, demanded accelerated and equitable climate action and called for all such action to respect and protect human rights, including the right to development. The OHCHR "Key messages on human rights and climate change" (see annex II) served as the basis for this advocacy.

29. The High Commissioner issued an op-ed and press releases and called for, inter alia, limiting warming to no more than 1.5 °C above pre-industrial levels, improved international cooperation to address climate change and the inclusion of strong human rights language in the operative part of the Paris Agreement. OHCHR submitted a paper entitled "Understanding human rights and climate change"[26] to the twenty-first session of the Conference of the Parties in Paris, supported several special procedure mandate holders in their engagement in the negotiations, participated in multiple side events and organized a press conference on human rights and climate change during Human Rights Day. During the twenty-ninth session of the Human Rights Council, OHCHR organized a panel discussion on the impacts of climate change on the enjoyment of the right to health. Panellists, including the Director General of the World Health Organization and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, emphasized the need for a rights-based approach to climate action.[27]

30. As a result of this and other advocacy, the Paris Agreement is the first multilateral climate agreement of its kind to include explicit reference to human rights. The Agreement also contains the ambitious objective of limiting warming to below 2 °C and pursuing efforts to bring it to 1.5 °C. Other positive elements include references to the principle of common but differentiated responsibility and equity, commitments on climate finance, a new transparency framework, a mechanism for monitoring and ratcheting up climate commitments, strengthened cooperation on loss and damages and special provisions for least developed countries and small island developing States as well as vulnerable groups, gender equality and women's empowerment.

C. Inter-agency cooperation and mainstreaming the right to development

31. Mainstreaming human rights, including the right to development, into United Nations system policies, operational activities, guidelines and tools on development

[25] See www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

[26] See www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf.

[27] See A/HRC/32/24 and A/HRC/32/23; also www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwix94Pc_obOAhUBFCwKHZVXDcEQFggIMAE&url=http%3A%2F%2Fwww.ohchr.org%2EN%2FHRBodies%2FHRC%2FRegularSessions%2FSession31%2FDocuments%2FClimateChange.doc&usg=AFQjCNFCTELeQzfQ8zwDseu8SZ8xY_yC8A.

programming is an integral part of the High Commissioner's mandate and a major pillar of the programme of work of the Office.

32. Through its country and regional offices, as well as through the Human Rights Working Group of the United Nations Development Group, OHCHR has provided support and technical assistance, including human rights advisers, to United Nations country teams on the application of a human rights-based approach to common country programming and in their work to assist Member States with the implementation of the 2030 Agenda, including in relation to the means of implementation. OHCHR worked to mainstream human rights and the right to development within the United Nations system, including by strengthening the human rights leadership capacities of resident coordinators and United Nations leaders through leadership dialogues and the induction programme for resident coordinators. OHCHR also contributed to the United Nations Development Group 2015 publication, *Guidance Note on Human Rights for Resident Coordinators and UN Country Teams*.[28]

33. During the 15-year effort to achieve the Millennium Development Goals, multilateral development bank support grew from $50 billion to $127 billion a year in grants, concessional and non-concessional loans, risk-sharing instruments, guarantees and equity investment.[29] However, trillions of dollars will be needed to finance the Sustainable Development Goals, including in high-risk sectors such as large-scale infrastructure. OHCHR has engaged with multilateral development banks since 2014 advocating, in accordance with the principles of the Declaration on the Right to Development, for more equitable development and more rigorous safeguard policies for investment lending with a view to ensuring that supported projects do not cause or contribute to human rights violations. In 2015, OHCHR focused primarily on the Environmental and Social Framework consultation processes of the World Bank and the Asian Infrastructure Investment Bank.

34. OHCHR continued to coordinate and support United Nations and inter-agency initiatives, such as the Fit for Purpose and the Mainstreaming, Acceleration, Policy Support initiatives, on mainstreaming human rights, including the right to development, in United Nations policies and operational programmes. The Human Rights Working Group of the United Nations Development Group, with the financial support of a multi-donor trust fund, advocated the integration of human rights in United Nations development work in all countries. OHCHR also supported the United Nations development system in delivering on the responsibilities and demands of the Human Rights Up Front initiative.

35. In March 2016, the United Nations System Chief Executives Board for Coordination adopted a statement of commitment aimed at placing the imperative of combating inequalities, inequities and discrimination at the forefront of United Nations efforts to support Member States in implementing the 2030 Agenda for Sustainable Development. The statement of commitment was based on a positioning paper on equality and non-discrimination prepared by the High-level Committee on Programmes.[30] As part of this initiative, OHCHR, jointly with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), is developing a shared framework for action on combating inequalities and discrimination.

[28] Available at https://undg.org/wp-content/uploads/2015/12/UNDG-Guidance-Note-on-Human-Rights-for-RCs-and-UNCTs-final.pdf.

[29] See www.worldbank.org/en/news/speech/2015/07/13/third-international-conference-financing-development.

[30] See CEB/2015/6, annex III.

III. 2030 Agenda for Sustainable Development and the implementation of the right to development

36. As the High Commissioner stated during the Human Rights Council high-level panel discussion on human rights mainstreaming, the 2030 Agenda and the Declaration on the Right to Development are powerfully linked. By placing people at its centre, the 2030 Agenda could generate political momentum for the realization of the right to development, while the right to development provided a vital enabling environment to ensure that the goals of the 2030 Agenda would be achieved in practice and that development processes were inclusive and just.[41]

37. The High Commissioner underscored the substantive convergence between the Declaration and the 2030 Agenda, the overall objective to eradicate discrimination and inequality, the need for international cooperation and assistance and the need to pay equal attention to freedom from fear and freedom from want. He also underlined the importance of accountability and of human rights indicators or data in this regard and the need to link human rights monitoring with the follow-up and review of the implementation of the Sustainable Development Goals.

38. The 2030 Agenda is informed by the Declaration on the Right to Development.[42] It is guided by the purposes and principles of the Charter of the United Nations, including respect for international law, and it is grounded in the Universal Declaration of Human Rights and international human rights treaties. The 2030 Agenda recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on, inter alia, respect for human rights (including the right to development).[43]

39. In addition to explicit recognition of the right to development, the 2030 Agenda indirectly reaffirms and recognizes that it is grounded in the right to development by citing the Millennium Declaration as a source. In the Declaration, Heads of State and Government committed to making the right to development a reality for everyone and to freeing the entire human race from want.[44] The 2030 Agenda also reaffirms the principles of the Rio Declaration on Environment and Development,[45] of which principle 3 stipulates that the right to development must be fulfilled so as to equitably meet the developmental and environmental needs of present and future generations.

40. Besides this direct and indirect recognition of the linkage between the 2030 Agenda for Sustainable Development and the right to development, there is also substantive convergence. Under article 4 (1) of the Declaration on the Right to Development, States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development. Undoubtedly, the 2030 Agenda for Sustainable Development constitutes such an international development policy.

41. Both the Declaration and the 2030 Agenda envisage a human-centred development process, in which all human rights can be fully realized. They both seek to eradicate poverty, discrimination and inequality, both within and among countries, with a view to improving the well-being of the human person and addressing the structural impediments that disadvantage the poor and prevent development from benefiting all. The 2030 Agenda,

[41] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17107&LangID=E.
[42] See General Assembly resolution 70/1, para. 10.
[43] Ibid., para. 35.
[44] See General Assembly resolution 55/2, para. 11.
[45] See General Assembly resolution 70/1, para. 12.

for example, pledges to leave no one behind and to focus on those furthest behind first. Two goals are dedicated to equality, with commitments to end discrimination against and exclusion of women and girls.

42. The 2030 Agenda acknowledges that freedom from want and freedom from fear need to be addressed together — echoing the emphasis placed by the right to development on human well-being, the indivisibility of all human rights and the right of every member of society to fully and freely participate in decision-making. The Declaration on the Right to Development proclaims development to be a right that entitles everyone to active, free and meaningful participation in development and to fair distribution of its benefits.

43. States have the duty to cooperate with each other to eliminate obstacles to development and to promote an economic order based on sovereign equality. The 2030 Agenda gives effect to this commitment through the specific implementation targets under each Goal as well as through the partnership commitments under Goal 17.

44. The Declaration addresses root causes, systemic issues and structural challenges in its quest for a new order for development at all levels. It recognizes the need for an enabling environment that is conducive to peace, human rights and socially and ecologically sustainable development. Likewise, the 2030 Agenda acknowledges the need to go far beyond the traditional development paradigm — which was focused on economic development — and to replace it with a holistic, transformative vision, covering all three dimensions of development: the economic, social and environmental.

45. Together with the Addis Ababa Action Agenda, Sustainable Development Goal 17 provides momentum for the realization of the right to development. Goal 17 targets announce commitments with regard to the mobilization of requisite financial resources; cooperation on and access to science, technology and innovation and knowledge sharing; enhancing international support for implementing effective and targeted capacity-building in developing countries; and promoting a universal, rules-based, open, non-discriminatory and equitable multilateral trading system.

46. The 2030 Agenda and the Addis Ababa Action Agenda also recognize the positive contribution and role of the private sector in development, while underscoring the need to protect labour rights and environmental and health standards in accordance with relevant international standards, agreements and other initiatives, such as the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and remedy" Framework.[16]

47. There are also differences between the 2030 Agenda for Sustainable Development and the Declaration on the Right to Development. Most importantly, the right to development is a human right. Expressed as an entitlement, development goes beyond volunteerism and charity; it is a right with corresponding obligations and duties. The Sustainable Development Goals, on the contrary, are an international development policy and a political commitment. The implementation of the Goals contributes to the realization of the right to development.

48. The Working Group on the Right to Development discussed the 2030 Agenda in the context of the right to development. Two of its recommendations are particularly relevant to this topic. It recommended that, in its future deliberations, the Working Group should study the contributions of States to the implementation of the right to development, at the national, regional and international levels, in keeping with the mechanisms relating to the Sustainable Development Goals. It also recommended that OHCHR consider facilitating the participation of experts in the eighteenth session of the Working Group to provide

[16] A/HRC/17/31.

advice in order to contribute to the discussion on the implementation and realization of the right to development and on relevant implications of the 2030 Agenda.[17]

49. These recommendations point to the future direction of the work of the Working Group and their implementation may contribute to making that work less politicized and more attuned to the ongoing intergovernmental process for the implementation of the Sustainable Development Goals.

IV. Conclusions and recommendations

50. **The 2030 Agenda for Sustainable Development can be considered an eminent international development policy and action agenda for the realization of the right to development. It is informed by and grounded in the right to development; indeed the right to development and, by extension, all human rights are at the heart of the 2030 Agenda.**

51. **The 2030 Agenda must be implemented in line with international law, including international human rights law. All human rights, including the right to development, must guide the implementation process at all levels.**

52. **Operationalizing the commitment to leave no one behind demands a coherent and integrated United Nations system-wide approach. All United Nations system policies and programmes relating to the implementation of the 2030 Agenda should therefore be explicitly anchored in and aligned with all human rights, including the right to development. Human rights principles and standards, including those of the right to development, should be increasingly integrated into finance, trade and investment policies in support of the Sustainable Development Goals.**

53. **The follow-up and review of the implementation of the Goals provide a solid basis for assessing the progressive realization of the right to development. Devising indicators to measure and serve as a tool for achieving the Goals, in particular the collection and disaggregation of data, must be based on human rights principles and standards.**

54. **Assessment of the progress in the implementation of the 2030 Agenda can provide complementary information to the human rights mechanisms, including the Working Group on the Right to Development, for their assessment of progress in the realization of human rights, including the right to development. At the same time, recommendations made by the Working Group and other human rights mechanisms can provide useful information for the Financing for Development follow-up and for the High-level Political Forum assessment of progress in the implementation of the 2030 Agenda.**

55. **The Guiding Principles on Business and Human Rights and the principles for responsible contracts[18] provide a solid basis for framing and directing private-sector engagement in the implementation of the 2030 Agenda and the Addis Ababa Action Agenda.**

56. **Efforts of civil society and national human rights institutions aimed at ensuring that all human rights, including the right to development, are respected in the implementation of the 2030 Agenda should be encouraged and supported.**

[17] See A/HRC/33/45.

[18] See A/HRC/17/31/Add.3.

Annex I

Key messages on human rights and financing for development of the Office of the United Nations High Commissioner for Human Rights

1. The following obligations and responsibilities should be reflected in efforts to finance development in order to foster policy coherence and to ensure equitable, inclusive development that benefits all persons without discrimination.

To expend maximum available resources

2. Under core human rights treaties, States acting individually and collectively, are obligated to mobilize and allocate the maximum available resources for the progressive realization of economic, social and cultural rights, as well as the advancement of civil and political rights and the right to development. To eradicate poverty, achieve the Sustainable Development Goals and fulfil their human rights commitments, States must endorse a financing framework that equals these ambitions. To mobilize the unprecedented amount of resources needed for the implementation of the 2030 Agenda for Sustainable Development, all stakeholders will need to effectively mobilize all available resources, including through new and innovative sources of finance (such as financial transaction taxes and carbon taxes) that are additional to traditional official development assistance (ODA), predictable and stable, and distribute global income to reduce inequalities.

International cooperation

3. States have committed to international cooperation for the realization of human rights. Meeting existing ODA commitments fully and in a timely manner will be critical to achieve the goal of ending extreme poverty by 2030 and represents one key step towards the fulfilment of State human rights commitments to mobilize maximum available resources for the promotion, protection and fulfilment of human rights. Pursuant to relevant human rights principles, ODA should be effective and transparent, it should be administered through participatory and accountable processes, and it should be targeted towards the people and groups most in need, including within those States where the ability to mobilize domestic resources is weakest.

To ensure participatory, human rights-based development

4. National Governments bear the primary responsibility for development in their own countries. National financing strategies, fiscal policies, tax systems, subsidies, development plans, and budgets should benefit the poorest and most marginalized and be the product of transparent and participatory processes. Effective governance for sustainable development demands that public institutions in all countries and at all levels conform to international human rights standards and principles and thus that they be non-discriminatory, inclusive, participatory and accountable to people. Laws and institutions must protect human rights under the rule of law, including in the economic sphere.

To create an international order in which all human rights can be realized

5. All countries bear responsibilities for international cooperation and to create an enabling international environment for development. The new global partnership for sustainable development must tackle global inequities, including in trade, finance and investment, as well as combating corruption, illicit flows of funds, trade mispricing and tax evasion.

To guarantee equal access and non-discrimination

6. States have committed to guarantee equality and non-discrimination. They should strive to ensure universal and transparent access to affordable and appropriate financial services across income, gender, geography, age and other groups. This implies establishing effective regulation, recourse mechanisms and consumer protection agencies to prevent predatory lending and ensure greater financial literacy of consumers.

To ensure empowerment of excluded groups

7. Specific barriers to women's access to finance must be eliminated. Women and girls must have equal access to financial services and the right to own land and other assets. Indigenous peoples' rights should be fully reflected in line with the United Nations Declaration on the Rights of Indigenous Peoples. In particular, their rights to their lands, natural resources and territories, and to the benefits from their traditional knowledge should be protected. Actions likely to impact their rights should not be taken without their free, prior and informed consent. Indigenous peoples have the right to participate in decision-making related to and to benefit from the use of their knowledge, innovations and practices. The human rights of migrants should be protected, regardless of their status. Discriminatory barriers to their development should be removed. Migrants should not be treated as an economic commodity. Policies on remittances should take into account that remittances are private sources of finance and seek to reduce their costs.

To respect human rights and do no harm

8. As businesses assume an ever-expanding role in the development and economic spheres their adherence to the human rights responsibilities outlined in the Guiding Principles on Business and Human Rights becomes increasingly critical. Businesses must respect human rights and do no harm. These responsibilities apply in the context of public private partnerships, blended finance instruments, foreign direct investment and all private business activities. With regard to public-private partnerships and blended finance, the risks and benefits of investments should be shared equitably between public and private investors. Both private and public sector partners must meet their respective human rights responsibilities and obligations. In working together, States and businesses should incorporate social, environmental, labour, human rights and gender equality considerations into their activities and subject public private partnerships to human rights safeguards and rigorous due diligence, including human rights impact assessments.

To protect persons from human rights abuses committed by private actors

9. States have an obligation to actively prevent private activities, including investments, from undermining human rights. States should establish appropriate regulations and oversight mechanisms to protect human rights from the potentially negative impacts of public-private partnerships and blended finance instruments. Measures should be taken to ensure that the provisions of international trade and investment agreements do not protect investor interests at the expense of State policy space to promote the realization of human rights.

To ensure accountability

10. All States should adopt policies and institutional, legal and regulatory frameworks to encourage responsible and accountable investment in sustainable development. Such frameworks should include human rights and sustainability criteria and align investor incentives with sustainable development. They should go beyond voluntary reporting and require all companies to undertake mandatory economic, environment, social and

governance reporting commensurate with the level of risk posed by their activities. This will help to identify, prevent and mitigate any risk of adverse human rights impacts.

To guarantee all persons enjoy the rights to food and health as well as the benefits of science and its applications

11. States must take steps to ensure that global intellectual property regimes do not obstruct the realization of the right to food, hinder access to medicines, or impede the benefits of development from reaching the poor and marginalized, including through application of the trade-related aspects of intellectual property rights flexibilities, while at the same time ensuring that intellectual property regimes create appropriate incentives to help meet sustainable development objectives. Environmentally clean and sound technologies should be accessibly priced and broadly disseminated. The cost of their development should be equitably shared, and their benefits should be equitably distributed between and within countries.

To ensure sovereign debt arrangements do not undercut the realization of human rights

12. States have committed to cooperate to mobilize maximum available resources for the progressive realization of human rights. Unsustainable debt burdens should not be permitted to threaten State efforts to fulfil their human rights obligations. All States would benefit from a permanent, fair and effective sovereign debt workout mechanism. All States, international financial institutions, relevant United Nations agencies, funds and programmes and the private sector, should cooperate to avoid sovereign debt crises by agreeing to guidelines that ensure sustainable, transparent lending and borrowing that benefits and is accountable to people, taking into consideration the guiding principles on foreign debt and human rights endorsed by the Human Rights Council.

To address climate harms to human rights

13. Climate change affects people everywhere. Yet, the poorest and most marginalized individuals, communities and countries that have contributed the least to greenhouse emissions often bear the greatest burden. Efforts to mitigate and adapt to the impacts of climate change should therefore meet the special needs and circumstances of developing countries and of vulnerable and marginalized persons everywhere. For example, harmful fossil fuel and agricultural subsidies, both direct and indirect, should be phased out with safeguards that minimize the impact on the poorest and most vulnerable. Conversely, carbon taxes, with appropriate safeguards to minimize impacts on the poorest and most vulnerable, could be designed to internalize environmental externalities and finance sustainable development efforts.

To align economic policies and institutions with human rights standards

14. A road map should be put in place for economic governance reforms that ensure fair representation of emerging and developing countries in international financial and economic decision making, prevent future economic crises and promote sustainable, inclusive economic progress. Policy coherence, particularly human rights policy coherence, will be critical for the successful implementation of the 2030 Agenda. This will entail taking measures to ensure coherence between current international legal regimes for trade, finance, and investment on the one hand and norms and standards for labour, the environment, human rights, equality and sustainability on the other hand.

To monitor human rights progress

15. A people-centred and planet-sensitive post-2015 human rights and development agenda must adopt a broader measure of progress than the gross domestic product. It must take into account the three dimensions of sustainable development and be rooted in a human rights-based approach to development. The objective should be to capture the degree to which the strength of an economy meets the needs and rights of people, and how sustainably and equitably it does so. By monitoring progress toward fulfilment of human rights objectives, States can make informed decisions regarding the effective use of resources for the progressive realization of human rights.

To ensure accountability of all duty bearers to rights holders

16. States should regularly review and monitor the global partnership for sustainable development based on specific, measureable, time-bound targets to ensure the accountability of all States for their commitments. The review of the global partnership for sustainable development should draw upon and feed into existing monitoring mechanisms, including by integrating in a structured manner the work of relevant human rights bodies. The monitoring of financing for development needs to go beyond the tracking of financial flows and also assess the development results of such financial flows as well as progress on addressing systemic issues. Monitoring efforts must be underpinned by a human rights-based data revolution that makes information more available, accessible and more broadly disaggregated to track development impacts for all people in all countries.

Annex II

Key messages on human rights and climate change of the Office of the United Nations High Commissioner for Human Right

1. In order to foster policy coherence and help ensure that climate change mitigation and adaptation efforts are adequate, sufficiently ambitious, non-discriminatory and otherwise compliant with human rights obligations, the following considerations should be reflected in all climate action.

To mitigate climate change and to prevent its negative human rights impacts

2. States have an obligation to respect, protect, fulfil and promote all human rights for all persons without discrimination. Failure to take affirmative measures to prevent human rights harms caused by climate change, including foreseeable long-term harms, breaches this obligation. The fifth assessment report of the Intergovernmental Panel on Climate Change confirms that climate change is caused by anthropogenic emissions of greenhouse gases. Among other impacts, climate change negatively affects people's rights to health, housing, water and food. These negative impacts will increase exponentially according to the degree of climate change that ultimately takes place and will disproportionately affect individuals, groups and peoples in vulnerable situations including, women, children, older persons, indigenous peoples, minorities, migrants, rural workers, persons with disabilities and the poor. Therefore, States must act to limit anthropogenic emissions of greenhouse gases (e.g. mitigate climate change), including through regulatory measures, in order to prevent to the greatest extent possible the current and future negative human rights impacts of climate change.

To ensure that all persons have the necessary capacity to adapt to climate change

3. States must ensure that appropriate adaptation measures are taken to protect and fulfil the rights of all persons, particularly those most endangered by the negative impacts of climate change such as those living in vulnerable areas (e.g. small islands, riparian and low-lying coastal zones, arid regions and the poles). States must build adaptive capacities in vulnerable communities, including by recognizing the manner in which factors such as discrimination, and disparities in education and health affect climate vulnerability, and by devoting adequate resources to the realization of the economic, social and cultural rights of all persons, particularly those facing the greatest risks.

To ensure accountability and effective remedy for human rights harms caused by climate change

4. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other human rights instruments require States to guarantee effective remedies for human rights violations. Climate change and its impacts, including sea-level rise, extreme weather events and droughts have already inflicted human rights harms on millions of people. For States and communities on the frontline, survival itself is at stake. Those affected, now and in the future, must have access to meaningful remedies, including judicial and other redress mechanisms. The obligations of States in the context of climate change and other environmental harms extend to all rights holders and to harm that occurs both inside and beyond boundaries. States should be accountable to rights holders for their contributions to climate change, including for failure to adequately regulate the emissions of businesses under their jurisdiction, regardless of where such emissions or their harms actually occur.

To mobilize maximum available resources for sustainable, human rights-based development

5. Under core human rights treaties, States acting individually and collectively are obligated to mobilize and allocate the maximum available resources for the progressive realization of economic, social and cultural rights, as well as for the advancement of civil and political rights and the right to development. The failure to adopt reasonable measures to mobilize available resources to prevent foreseeable human rights harms caused by climate change breaches this obligation. The mobilization of resources to address climate change should complement and not compromise other efforts of Governments to pursue the full realization of all human rights for all, including the right to development. Innovative measures such as carbon taxes, with appropriate safeguards to minimize negative impacts on the poor, can be designed to internalize environmental externalities and mobilize additional resources to finance mitigation and adaptation efforts that benefit the poorest and most marginalized.

International cooperation

6. The Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments impose upon States the duty to cooperate to ensure the realization of all human rights. Climate change is a human rights threat with causes and consequences that cross borders; thus, it requires a global response, underpinned by international solidarity. States should share resources, knowledge and technology in order to address climate change. International assistance for climate change mitigation and adaptation should be additional to existing official development assistance commitments. Pursuant to relevant human rights principles, climate assistance should be adequate, effective and transparent, it should be administered through participatory, accountable and non-discriminatory processes, and it should be targeted toward persons, groups, and peoples most in need. States should engage in cooperative efforts to respond to climate-related displacement and migration and to address climate-related conflicts and security risks.

To ensure equity in climate action

7. The Rio Declaration on Environment and Development, the Vienna Declaration and Programme of Action and The Future We Want all call for the right to development, which is articulated in the Declaration on the Right to Development, to be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. The United Nations Framework Convention on Climate Change calls for States to protect future generations and to take action on climate change "on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities". While climate change affects people everywhere, those who have contributed the least to greenhouse gas emissions (i.e. the poor, children and future generations) are those most affected. Equity in climate action requires that efforts to mitigate and adapt to the impacts of climate change should benefit people in developing countries, indigenous peoples, people in vulnerable situations and future generations.

To guarantee that everyone enjoys the benefits of science and its applications

8. The International Covenant on Economic, Social and Cultural Rights states that everyone has the right to enjoy the benefits of science and its applications. All States should actively support the development and dissemination of new climate mitigation and adaptation technologies including technologies for sustainable production and consumption. Environmentally clean and sound technologies should be accessibly priced, the cost of their development should be equitably shared, and their benefits should be fairly distributed between and within countries. Technology transfers between States should take place as needed and appropriate to ensure a just, comprehensive and effective international response

to climate change. States should also take steps to ensure that global intellectual property regimes do not obstruct the dissemination of mitigation and adaptation technologies while at the same time ensuring that these regimes create appropriate incentives to help meet sustainable development objectives. The right of indigenous peoples to participate in decision-making related to and benefit from the use of their knowledge, innovations and practices should be protected.

To protect human rights from business harms

9. The Guiding Principles on Business and Human Rights affirm that States have an obligation to protect human rights from harm by businesses, while businesses have a responsibility to respect human rights and to do no harm. States must take adequate measures to protect all persons from human rights harms caused by businesses; to ensure that their own activities, including activities conducted in partnership with the private sector, respect and protect human rights; and where such harms do occur to ensure effective remedies. Businesses are also duty bearers. They must be accountable for their climate impacts and participate responsibly in climate change mitigation and adaptation efforts with full respect for human rights. Where States incorporate private financing or market-based approaches to climate change within the international climate change framework, the compliance of businesses with these responsibilities is especially critical.

To guarantee equality and non-discrimination

10. States have committed to guarantee equality and non-discrimination. Efforts to address climate change should not exacerbate inequalities within or between States. For example, indigenous peoples' rights should be fully reflected in line with the United Nations Declaration on the Rights of Indigenous Peoples and actions likely to impact their rights should not be taken without their free, prior and informed consent. Care should also be taken to ensure that a gender perspective, including efforts to ensure gender equality, is included in all planning for climate change mitigation and adaptation. The rights of children, older persons, minorities, migrants and others in vulnerable situations must be effectively protected.

To ensure meaningful and informed participation

11. The International Covenant on Civil and Political Rights and other human rights instruments guarantee all persons the right to free, active, meaningful and informed participation in public affairs. This is critical for effective rights-based climate action and requires open and participatory institutions and processes, as well as accurate and transparent measurements of greenhouse gas emissions, climate change and its impacts. States should make early-warning information regarding climate effects and natural disasters available to all sectors of society. Adaptation and mitigation plans should be publicly available, transparently financed and developed in consultation with affected groups. Particular care should be taken to comply with relevant human rights obligations related to participation of persons, groups and peoples in vulnerable situations in decision-making processes and to ensure that adaptation and mitigation efforts do not have adverse effects on those that they should be protecting. Human rights impact assessments of climate actions should be employed to ensure that they respect human rights. Further, States should develop and monitor relevant human rights indicators in the context of climate change, keeping disaggregated data to track the varied impacts of climate change across demographic groups and enabling effective, targeted and human rights compliant climate action.